

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

GILBERT SPURLOCK,

Plaintiff,

v.

CIVIL ACTION NO. 3:07-0124

CONGRESSMAN NICK RAHALL,

Defendant.

ORDER

Magistrate Judge Maurice G. Taylor, Jr., entered Findings and Recommendation on May 25, 2007, recommending dismissal of this action. Plaintiff filed a Notice of Appeal on June, 6, 2007, which this Court will treat as an objection to the Findings and Recommendation. Having reviewed the Notice of Appeal, the Court **ORDERS** it stricken from the record. In his Notice, Plaintiff uses curse words and other inappropriate language. Rather than citing a legal or factual basis in response to the Findings and Recommendation, Plaintiff's Notice consists of a rambling, angry rant. The Court understands that Plaintiff sincerely believes he has been wronged by the Corps of Engineers, Bank of America, and the legal system. However, this complaint does not provide a legal basis to support his claims. In particular in this action, Plaintiff cites no statute or case to establish a legal duty by the Defendant to intervene in his behalf. Consequently, the Court **DENIES** Plaintiff's objection and adopts the Findings and Recommendation. Plaintiff's application to proceed in forma pauperis is **GRANTED** and this action is **DISMISSED**.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: June 7, 2007

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE